

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vaquero  
Application No. : 10/813,863  
Filed : March 31, 2004  
Title : IOL Injector  
Group/Art Unit : 3731  
Examiner : Amy T. Lang  
Conf. No. : 5586  
Docket No. : P03166

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTERVIEW SUMMARY**

Examiner A. Lang and the undersigned spoke telephonically on January 8th, 2009 regarding the above-identified application.

In particular, the undersigned indicated the location identified on page 3 of the Office Action as "point of lumen adjacent and distal to the loading bay" is not "immediately adjacent to the loading bay" as recited in the claims. Accordingly, the corresponding diameter of the lumen is not appropriate. The undersigned added that a location proximate r.n. 117 of U.S. Pat. No. 6,491,697 (hereinafter Clark) would be so located.

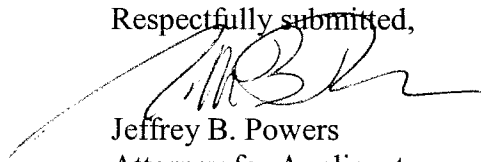
Additionally, the undersigned indicated that tip 119 of Clark is not flared as suggested by the Examiner. Rather, the tip is beveled.

Further, during the phone call, the Examiner alleged that FIGs. 6C and 7 show that the lumen in Clark increases in diameter toward the tip as indicated by the relative sizes of the lumen illustrated in said FIGs. The undersigned pointed out that the FIGs. were not drawn to scale. In particular, the undersigned stated that FIG. 6D is stated as being in the "closed position" (see col. 3, lines 2 and 3 of Clark) and is illustrated as having a lumen diameter that is much larger than the lumens illustrated in FIGs. 6B and 6C.

Lastly, during the phone call, the Examiner indicated that slits 121 result in the lumen having a diameter that is much larger than at a location immediately adjacent to the loading bay. The undersigned indicated that it is inappropriate to measure a diameter of a lumen at an opening where the lumen is not bounded.

The Examiner agreed to withdraw the Final Rejection and reconsider the cited art.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. B. Powers', written over the typed name.

Jeffrey B. Powers  
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Dated: February 4, 2009